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UNCLAS ANKARA 006240

SIPDIS

E.O. 12958: N/A

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SUBJECT: EXBS: TURKISH COMMENTS TO LATEST NP COOPERATION
AND ASSISTANCE AGREEMENT DRAFT

REF: A. STATE 197314

[1](#)B. STATE 156979

[1](#)1. This is an action request- see para 4.

[1](#)2. We have discussed the latest U.S. draft NP Cooperation and Assistance Agreement (ref A) with MFA Arms Control and Disarmament, Department Head, Bulent Meric and other MFA representatives on several occasions since originally delivering it to the GOT on September 15. In early October, MFA sponsored an inter-ministerial meeting to review the latest proposal. On November 3, MFA provided us with comments on the latest draft.

[1](#)3. The following are the requested changes submitted by GOT, referred to the text in ref A. (We sent a word document of the text with these changes by email to NP/ECC.):

a. Preamble- Paragraph 4, line 3- insert database, before training.

b. Part II- Change paragraph to read: "The services, database, training, equipment, commodities, supplies and technology that are provided free of charge within the scope of this Agreement shall not be subject to the imposition of taxes (including value added tax, special consumption tax) within the territory of the Republic of Turkey."

c. Part III- line 2 change "examine" to "monitor"
- line 3 insert "this" before Agreement
- line 4 remove "the reasonableness of the request; and"
- line 5 change "examinations" to "monitoring"

d. Part V Paragraph (c)- Change paragraph to read: "The limitation of transfer of title and possession of articles, components, and associated support material, related training or other services (including plans, specifications, or information), or technology shall remain in effect for the duration of this Agreement. When this Agreement is terminated, unless otherwise agreed, Turkey shall dispose or return such equipment, commodity, supply or technology."

e. Part VII- Change paragraph to read: "The Agreement shall enter into force on the date of the last written notification that the Parties have fulfilled the national procedures required for its entry into force. It shall remain in force for three years and shall be automatically prolonged for periods of one year, unless terminated by either Party upon giving six months written notice to the other."

[1](#)4. Action request: We request the Department review and accept the suggested changes to the NP Cooperation Agreement. If these changes are acceptable, we request authority to sign the Agreement. Following the signing by both governments, the GOT will need to submit the Agreement to their parliament for final approval.

[1](#)5. Comment: The GOT comments appear intended to make the Agreement conform with current Turkish laws for international agreements. Both Governments have worked hard on this agreement for over two years and the continuation of significant parts of the EXBS program depend on the completion of this agreement. Quick evaluation and reply would be appreciated.

EDELMAN